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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,572	12/19/2001	Maurice Gagne	P 284137 RP-00268-US2	9263

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EXAMINER

COLETTA, LORI L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 07/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,572

Applicant(s)

GAGNE, MAURICE

Examiner

Lori L. Coletta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the **snowmobile** (claim 30) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because reference character **70** in Figure 7B points to two different parts. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

Reference characters **78** (Figures 6 and 7B), **82** (Figures 6 and 7B), **80** (Figures 7A and 7B) and **58** (Figure 8B) are not mentioned in the specification.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 6-18 and 20-31 are rejected under 35 U.S.C. 102(b) as being anticipated by French reference 2 612 867.

Regarding claim 1, French reference '867 discloses a windshield assembly comprising a windshield panel (1) movable between an operative position and an inoperative position; and a coupling assembly (2) coupled to said windshield panel, said coupling assembly including at least one coupling member that enables said windshield panel to move between the operative position and the inoperative position.

Regarding claims 2 and 16, French reference '867 discloses the windshield assembly wherein said coupling assembly (2) includes a first end defining a mounting bracket and a second end defining a pivot point about the windshield panel (1) pivots.

Regarding claims 3 and 17, French reference '867 discloses the windshield assembly. It would be inherent that the second end of the coupling assembly includes washers that allow one-way movement only.

Regarding claims 4 and 18, French reference '867 discloses the windshield assembly wherein the inoperative position is toward a rear side of the windshield panel (1) and toward the seat.

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Regarding claims 6 and 20, French reference '867 discloses the windshield assembly wherein windshield panel (1) is made of polycarbonate plastic.

Regarding claims 7 and 21, French reference '867 discloses the windshield assembly further comprising handguard element connected to said windshield panel (1) in Figure 2.

Regarding claims 8 and 22, French reference '867 discloses the windshield assembly wherein said handguard element includes a pair of hand protecting members (7) integrally extending from opposite sides of said central portion.

Regarding claims 9 and 23, French reference '867 discloses the windshield assembly wherein said handguard element is made of plastic.

Regarding claims 10 and 24, French reference '867 discloses the windshield assembly further comprising at least one bracket assembly that mounts the windshield panel (1).

Regarding claims 11 and 25, French reference '867 discloses the windshield assembly wherein said at least one bracket assembly comprise a T-shaped element having a vertical section and a horizontal section, said vertical section including at least one fastening hole defining therein that enables at least one fastener to pass therethrough, said horizontal section including at least one fastening hole defined therein that enables at least one fastener to pass therethrough.

Regarding claims 12 and 26, French reference '867 discloses the windshield assembly wherein said windshield panel (1) is attached to said vertical section of said T-shaped element via at least one fastener that passes through at least one hole defined in said windshield panel and said hole defined in said vertical section.

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Regarding claims 13 and 27, French reference '867 discloses the windshield assembly wherein said handguard is attached to said horizontal section of said T-shaped element via at least one fastener that pass through said holes defined in said handguard element and said fastening hole defined in said horizontal section.

Regarding claims 14 and 31, French reference '867 discloses the windshield assembly wherein at least a portion of the windshield panel (1) is transparent.

Regarding claim 15, French reference '867 discloses a vehicle comprising a frame; a plurality of wheels suspended from the frame; a handlebar operatively connected to the wheels to steer the vehicle; a seat positioned on the frame; and a windshield assembly mounted on the frame and including a windshield panel (1) movable between an operative position and an inoperative position; and a coupling assembly (2) between the handlebar and the windshield panel, said coupling assembly including at least one coupling member that enables the windshield panel to move between the operative position and the inoperative position.

Regarding claim 28, French reference '867 discloses the vehicle comprising handguard element is formed integrally with the windshield panel (1) in Figure 2.

Regarding claim 29, French reference '867 discloses the vehicle wherein said vehicle is an all terrain vehicle.

Regarding claim 30, French reference '867 discloses the vehicle. It would be inherent that the vehicle could be a snowmobile.

6. Claims 1, 5, 15 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese reference 61-12422.

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Regarding claim 1, Japanese reference '422 discloses a windshield assembly comprising a windshield panel (1) movable between an operative position and an inoperative position; and a coupling assembly (4) coupled to said windshield panel, said coupling assembly including at least one coupling member that enables said windshield panel to move between the operative position and the inoperative position.

Regarding claim 5, Japanese reference '422 discloses the windshield assembly wherein the inoperative position is toward a front side of said windshield panel in Figure 9.

Regarding claim 15, Japanese reference '422 discloses a vehicle comprising a frame; a plurality of wheels suspended from the frame; a handlebar operatively connected to the wheels to steer the vehicle; a seat positioned on the frame; and a windshield assembly mounted on the frame and including a windshield panel (1) movable between an operative position and an inoperative position; and a coupling assembly (4) between the handlebar and the windshield panel, said coupling assembly including at least one coupling member that enables the windshield panel to move between the operative position and the inoperative position.

Regarding claim 19, Japanese reference '422 discloses the vehicle wherein said inoperative position is toward a front side of said windshield panel (1) and away from the seat in Figure 9.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show several other windshield assemblies similar to that of the current invention.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614.


The examiner can normally be reached on Monday-Friday 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-305-3597 for regular communications and (703) 305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1134.

Lori L. Coletta
Examiner
Art Unit 3612

llc
llc
July 22, 2002


D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600